

Office of the Secretary of Defense

§ 310.4

SOURCE: 72 FR 18758, Apr. 13, 2007, unless otherwise noted.

Subpart A—DoD Policy

§ 310.1 Reissuance.

This part consolidates into a single location (32 CFR part 310) Department of Defense (DoD) policies and procedures for implementing the Privacy Act of 1974, as amended (5 U.S.C. 552a) by authorizing the development, publication and maintenance of the DoD Privacy Program set forth by DoD Directive 5400.11¹ and 5400.11-R,² both entitled: “DoD Privacy Program.”

§ 310.2 Purpose.

This part:

(a) Updates policies and responsibilities of the DoD Privacy Program under 5 U.S.C. 552a and OMB Circular A-130.

(b) Authorizes the Defense Privacy Board, the Defense Privacy Board Legal Committee, and the Defense Data Integrity Board.

(c) Continues to authorize the publication of DoD 5400.11-R.

(d) Continues to delegate authorities and responsibilities for the effective administration of the DoD Privacy Program.

§ 310.3 Applicability and scope.

This part:

(a) Applies to the Office of the Secretary of Defense (OSD), the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense (IG, DoD), the Defense Agencies, the DoD Field Activities, and all other organizational entities in the Department of Defense (hereinafter referred to collectively as “the DoD Components”).

(b) Shall be made applicable to DoD contractors who are operating a system of records on behalf of a DoD Component, to include any of the activities, such as collecting and disseminating records, associated with maintaining a system of records.

(c) This part does not apply to:

(1) Requests for information made under the Freedom of Information Act. They are processed in accordance with DoD 5400.7-R.³

(2) Requests for information from systems of records controlled by the Office of Personnel Management (OPM), although maintained by a DoD Component. These are processed in accordance with policies established by OPM “Privacy Procedures for Personnel Records” (5 CFR 297).

(3) Requests for personal information from the General Accounting Office. These are processed in accordance with DoD Directive 7650.1.⁴

(4) Requests for personal information from Congress. These are processed in accordance with DoD Directive 5400.4 except those specific provisions in Subpart E—Disclosure of Personal Information to Other Agencies and Third Parties.

§ 310.4 Definitions.

(a) *Access*. The review of a record or a copy of a record or parts thereof in a system of records by any individual.

(b) *Agency*. For the purposes of disclosing records subject to the Privacy Act among the DoD Components, the Department of Defense is a considered a single agency. For all other purposes to include requests for access and amendment, denial of access or amendment, appeals from denials, and record keeping as relating to release of records to non-DoD Agencies, each DoD Component is considered an agency within the meaning of the Privacy Act.

(c) *Computer Matching Program*. The computerized comparison of two or more automated systems of records or a system of records with non-Federal records. Manual comparison of systems of records or a system of records with non-Federal records are not covered.

(d) *Confidential source*. A person or organization who has furnished information to the Federal Government under an express promise, if made on or after September 27, 1975, that the person’s or the organization’s identity shall be held in confidence or under an implied promise of such confidentiality if this

¹Copies may be obtained at <http://www.dtic.mil/whs/directives>.

²See footnote 1 to § 310.1.

³See footnote 1 to § 310.3(c)(1).

⁴See footnote 1 to § 310.3(c)(1).